

REMARKS

Claims 26, 36, 37, and 41–43 are pending in this application. Claim 26 is amended to incorporate the subject matter of claim 41, which is now canceled. Claim 43 is amended to further clarify the subject matter.

AMENDMENTS IN RESPONSE TO ADVISORY ACTION

Claim 26 is amended to recite “one or more bioactive agents” such that claim 37 is now consistent with claim 26. This amendment to claim 26 is supported in the original specification at, for example, page 11, line 21; and page 12, lines 5, 16, and 22. Claim 36 is amended to delete the recitation of “polyfunctional carbodiimides.”

REJECTIONS UNDER §112

Claim 43 was rejected as being non-compliant with the definiteness requirement of §112, second paragraph. Without conceding to the propriety of this rejection and in order to expedite prosecution of this application, claims 26 and 43 are amended to even more fully satisfy the requirements of §112, second paragraph. Claim 43 now positively recites the bio-active agent as a component of the coating composition, and with the amendment to claim 26 indicating which of the cross-linking functional groups are capable of reacting with the bio-active agent, only one state of the coating composition is being claimed. Accordingly, favorable consideration and withdrawal of this rejection are respectfully requested.

REJECTIONS UNDER §102

Claims 26, 36, 37, and 43 were rejected under §102(b) as being anticipated by U.S. Patent No. 4,994,167 (Shults et al.). Applicant respectfully requests reconsideration of this rejection.

Claim 26, as amended to include the subject matter of claim 41, specifies that the cross-linking agent has “three or more functional groups per molecule.” *Shults* has no explicit teaching of a cross-linking agent having “three or more functional groups per molecule.” Indeed, claim 41 was not specifically rejected with the recognition that *Shults* does not disclose this feature.

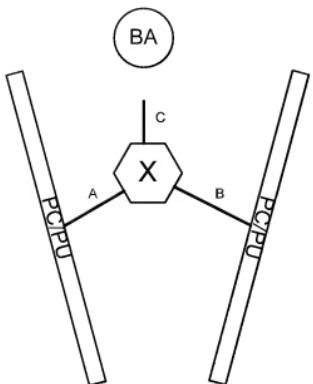
For at least these reasons, Applicant respectfully submits that *Shults* does not anticipate claims 26, 36, 37, and 43. Accordingly, favorable consideration and withdrawal of this rejection are respectfully requested.

REJECTIONS UNDER §103

Claims 26, 36, 37, and 43 were rejected under §103(a) as being rendered obvious by *Shults* in view of U.S. Patent No. 4,888,285 (Nishimura et al.) or No. 4,287,305 (Compere et al.) or No. 4,979,959 (Guire). Claims 41 and 42 were rejected under §103(a) as being rendered obvious by *Shults* in view of *Nishimura*. Applicant respectfully requests reconsideration of these rejections.

Claim 26 recites a cross-linking agent having “three or more functional groups per molecule.” This cross-linking agent serves at least two purposes.¹ The first purpose is to cross-link the polycarbonate-polyurethane polymers. The second purpose is to provide unreacted functional groups that are available to optionally bond with a bio-active agent. Without intending for the claimed invention to be limited to a particular theory of operation, the illustration provided below demonstrates how a cross-linking agent having three or more functional groups can operate in the coating composition to simultaneously serve these two purposes. A cross-linking agent (X) having three functional groups (A, B, and C) is shown in the illustration. Two (A and B) of the three functional groups are involved in cross-links with polycarbonate-polyurethane polymers. The third functional group (C) is available to optionally react with a bio-active agent (BA).

¹ Specification, ¶ [0030].



Without conceding that the suggested combination of *Shults* with *Nishimura* or *Compere* or *Guire* is proper, Applicant respectfully submits that these combinations cannot meet the requirement of claim 26 that the cross-linking agent have “three or more functional groups per molecule.”

As explained above, *Shults* does not teach a cross-linking agent having this feature. Furthermore, neither *Nishimura* nor *Compere* nor *Guire* explicitly discloses a cross-linking agent having this feature, and thus, does not add anything that would remedy the deficiencies of *Shults*. In *Nishimura*, cross-linking agents are used for linking an enzyme to a carrier, and thus, serve merely as a bridge between the two components. Similarly, in *Guire*, cross-linking agents are used for linking a biocompatible agent to a solid surface, and thus, serve merely as a bridge between the two components. In *Compere*, cross-linking agents are used in forming a coating of metabolically active microorganisms.

None of these references disclose a cross-linking agent having “three or more functional groups per molecule.” As such, the combination of *Shults* with *Nishimura* or *Compere* or *Guire* fails to have all the required elements of claim 26. For at least these reasons, Applicant submits that claims 26, 36, 37, and 43 are non-obvious over *Shults* in view of *Nishimura* or *Compere* or *Guire*. Accordingly, favorable consideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance. The Examiner is invited to contact Applicant's representative to discuss any issue that would expedite allowance of this application.

The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

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